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4201 North 27th Street, 7th Floor
Milwaukee, WI 53216
TEL 414-444-8200
FAX 414-444-8201
www.nwscdc.org

October 30, 2018

RE: Docket EP-749-1 – Proposed Rulemaking to Limit NITU's to a Maximum of Six (6) 180-Day Extensions

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Ms. Brown,

The Northwest Side Community Development Corporation opposes a proposed rule by the Surface Transportation Board to require that the number of extensions of the trail use negotiation period not exceed six 180-day extensions, or essentially three years.

The purpose of railbanking is to preserve our country's railroad corridors and allow for interim trail use. Railbanking has helped transform thousands of communities across the country by providing safe public spaces for recreation and transportation and preserved thousands of miles of rail corridors that would otherwise have been abandoned. Assembly of these rights-of-way in modern times would be nearly impossible. Railbanking keeps rail corridors intact.

Imposing a 3-year limitation on negotiations would greatly obstruct – and in some cases prevent – railbanking to occur. Of the 393 successfully railbanked corridors, 65 of them took more than 3 years of negotiation between the railroad and the CITU/NITU holder to complete. There are a variety of reasons that negotiations may extend, including: federal and state regulatory processes (environmental assessment, e.g.), the trail manager's ability to secure state or federal funds for acquisition, and appraisal disputes. There is no reason to limit railbanking negotiations, and if the proposed change goes through, it will significantly hinder a project we are currently working on in Milwaukee.

The Northwest Side CDC has been doing economic development and neighborhood improvement projects on Milwaukee's Northwest Side for 35 years, and we firmly believe that trails, especially those that run along railroads, can be transformative for neighborhoods. Re-imagining underutilized railroad corridors to include trails helps provide economically-disadvantaged residents access to safe recreational activities, opportunities to improve health outcomes, and the ability to travel throughout the city without an automobile.

If the STB were to consider changes related to railbanking negotiations, a suggested improvement would be to change the initial railbanking/interim trail negotiating period to establish a one-year period (instead of 180 days) for any initial and subsequent negotiating periods. From our experience in Milwaukee, negotiations between railroads and Interim Trail Users almost always extend beyond the short 180-day timeframe, creating additional and unnecessary obstacles for both the railroad and the Interim Trail User.

Thank you for your consideration,

Howard Snyder
Executive Director